

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of:)	
)	
Broadband Industry)	WC Docket No. 07-
Practices		52

**REPLY COMMENTS OF THE
WISCONSIN DEPARTMENT OF PUBLIC INSTRUCTION**

The Wisconsin Department of Public Instruction (DPI) is the state's education and library agency. We appreciate this opportunity to provide brief reply comments on this important subject. We also support the more extensive comments filed under this docket by the American Library Association (ALA).

The Internet's extraordinary growth, innovation, and diversity of applications and content has occurred primarily because there was no need for anyone to ask permission of anyone else before making a particular application or content available for all to use. Some of the most popular Internet sites and services available today (e.g., Amazon, Ebay, Google) were developed at the "edges" of the network, and all were developed with no roadblocks placed in their way by Internet service providers, Internet backbone providers, or any other entity. It is essential that the Commission retain oversight and vigilance to ensure that the open nature of the Internet be retained as more consumers enter the broadband world.

We agree with ALA's general support of the Commission's Broadband policy statement released in September 2005.¹ And, like ALA, the Wisconsin DPI also believes that language related to nondiscrimination should be added to help reinforce the four principles that constitute the current policy statement. There are

¹ Appropriate Framework for Broadband Access to the Internet over Wireline Facilities. *Policy Statement*. CC Docket No. 02-33. Released September 2005.
(http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-05-151A1.pdf)

those who claim that nondiscrimination language is not needed because there have been no instances of Internet service providers or backbone providers engaging in discriminatory practices. However, the DPI is concerned that failure to include proactively a nondiscrimination clause will place the Commission in a position where it then needs to judge any alleged instances of discrimination on a case-by-case basis, with no sound policy in place to help buttress its decisions.

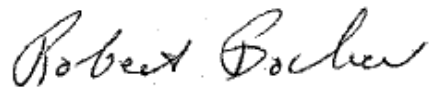
Our department does not believe that adding nondiscrimination language to the FCC's policy statement will hinder network operators, be they at the last, middle or backbone mile, in properly managing their networks. As ALA stated in its comments, for years prior to the deregulation of broadband in 2005, telecommunication companies had no issues in managing their underlying networks within the parameters of the Commission's Title II authority.

The Wisconsin DPI is concerned that any preferential Internet access will benefit those who can pay for access and disadvantage those who cannot. Libraries, which do not have deep pockets, will be among the disadvantaged. Failure to retain an open Internet will result in libraries unable to provide their patrons with access to all the content that is available now via the Internet. Furthermore, many libraries are themselves content providers. A gated Internet—one that requires content providers to pay to ensure access—will penalize libraries and other content providers that lack financial resources to pay as required.

In summary, the Wisconsin Department of Public Instruction supports the comments filed by the American Library Association. We especially emphasize the need to retain an open Internet, one that continues to provide an avenue for innovation and maintains open access to the world of information for citizens from their homes, workplaces, or their local library.

Thank you for listening to our concerns.

Sincerely,

A handwritten signature in cursive script that reads "Robert Bocher". The ink is dark and the signature is fluid, with a large initial 'R' and a long, sweeping underline.

Robert Bocher
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